

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION**

**Meeting of March 9, and 10, 2011  
Barstow**

**Item:** 5

**Subject:** RESCISSION OF NPDES PERMIT, CALIFORNIA DEPARTMENT OF FISH AND GAME, MOUNT WHITNEY FISH HATCHERY, INYO COUNTY

**Chronology:** Water Board has regulated this Facility through issuance of individual NPDES permits since 1977. The Facility is currently regulated by NPDES Permit Order No. R6V-2006-0029.

**Discussion:** On June 14, 2006, Water Board adopted Board Order No. R6-2006-0029, NPDES No. CA0102784, for the Mount Whitney Fish Hatchery (hereafter Facility), a cold water concentrated aquatic animal production (CAAP) Facility owned by California Department of Fish and Game (hereafter Discharger). The Facility discharges to Oak Creek, a water of the United States, within the legal boundaries of the Owens River watershed.

Water contaminated by the Inyo Complex Fire of July 6, 2007 caused a die-off of the fish in the production raceways and hatchery building. Fish production was temporarily halted. Subsequently on July 12, 2008 mud and debris flows destroyed the water supply system, production raceways, sedimentation ponds, and Oak Creek. The Discharger decided to not restore the water supply system which is needed to resume fish production at the Facility. The remaining water supply is diverted from South Fork Oak Creek and is not sufficient to sustain production levels of a CAAP Facility. Production of fish from the facility has not met criteria for classification of a CAAP Facility subject to NPDES permitting since July 6, 2007. Fish remaining at the facility are cold water fish that have an annual total weight of less than 20,000 pounds per year, and are fed less than 5,000 pounds of feed per year. As a result, on July 13, 2010, the Discharger submitted a Report of Waste Discharge Form 200 for requesting rescission of Order No. R6-2006-0029. The Water Board has determined that the Facility no longer meets the criteria for classification as CAAP Facility.

The Water Board has notified the Discharger and interested parties of its intent to rescind Order No. R6-2006-0029. Comments have been solicited from the Discharger, all interested agencies and parties. The Discharger

responded on January 5, 2011, by an e-mail message that stated "we do not have any comments or proposed changes as it is written." Water Board staff have not received other responses during the comment period.

On January 10, 2011, the Discharger proposed a water quality monitoring plan in response to staff request. The monitoring plan will evaluate the water quality effects from the current fish display pond. Water Board staff will require annual monitoring reports pursuant to California Water Code section 13267.

**RECOMMENDATION:**

Adoption of Order as proposed.

Enclosure:

Proposed Board Order

# **ENCLOSURE 1**

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION**

**BOARD ORDER NO. R6V-2011-(PROPOSED)  
WDID NO. 6B140800004**

**RESCISSION OF WASTE DISCHARGE REQUIREMENTS,  
BOARD ORDER NO. R6V-2006-0029, NPDES NO. CA0102784,**

**FOR THE CALIFORNIA DEPARTMENT OF FISH AND GAME,  
MOUNT WHITNEY FISH HATCHERY**

\_\_\_\_\_ **INYO COUNTY**\_\_\_\_\_

The California Regional Water Quality Control Board, Lahontan Region (Water Board), finds:

1. Discharger

The California Department of Fish and Game owns and previously operated the Mount Whitney Fish Hatchery hereafter referred to as the "Facility," a concentrated aquatic animal production CAAP/fish hatchery as identified by the Executive Office of the President, Office of Management, and Budget, Standard Industrial Classification Code (SIC) 0921. For the purposes of this Water Board Order (Order), the California Department of Fish and Game is hereafter referred to as the "Discharger."

3. Facility Location

The Facility is located approximately two miles northwest of the Community of Independence, Inyo County, within Section 2, Township 13 South, Range 34 East, Mount Diablo Baseline and Meridian.

4. Waste Discharge Requirements

On June 14, 2006, the Water Board adopted Waste Discharge Requirements (WDRs) Board Order No. R6V-2006-0029, National Pollutant Discharge Elimination System (NPDES) No. CA0102784, for the Facility, a cold water CAAP Facility owned by the Discharger. The Facility discharges to Oak Creek, a water of the United States, within the legal boundaries of the Owens River watershed.

5. Reasons for Action

In July 2008, the Facility incurred extensive damage caused by mud and debris flows. The Discharger has indicated that it has discontinued using the Facility as a hatchery; therefore, production of fish from the Facility no longer meets the criteria for classification of a CAAP Facility pursuant to the Code of Federal

Regulations (CFR), Title 40, Part 122.24, Appendix C. Fish remaining at the facility are cold-water fish that have an annual total weight of less than 20,000 pounds per year and are fed less than 5,000 pounds of feed per year.

On July 13, 2010, the Discharger submitted a Report of Waste Discharge requesting rescission of Order No. R6V-2006-0029. The Water Board has determined that the Facility no longer meets the definition of a CAAP subject to regulation by Order No. R6V-2006-0029, NPDES No. CA0102784.

6. California Environmental Quality Act

Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), in accordance with the California Code of Regulations, title 14, section 15321.

7. Public Notification

The Water Board has notified the Discharger and interested parties of its intent to rescind Order No. R6-2006-0029. Comments have been solicited from the Discharger, all interested agencies and parties. No adverse comments were received.

**IT IS HEREBY ORDERED** that Waste Discharge Requirements Order No. R6V-2006-0029 (NPDES No. CA0102784) be rescinded.

I, HAROLD J. SINGER, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on March 9, 2011.

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**HAROLD J. SINGER**  
**EXECUTIVE OFFICER**

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